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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,293	09/25/2001	Marilyn E. Shade	07844-469001	1631

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EXAMINER
PATEL, MANGLESH M

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/964,293	SHADE ET AL.
	Examiner	Art Unit	
	Manglesh M. Patel	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 September 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-10_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _1-10_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _08 March 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Non-Final action is responsive to communications: Application filed on

September 25, 2001.

2.   Claims 1-10 are pending. Claims 1, 5, 9 and 10 are independent claims.

3.   The application claims priority to U.S. Provisional Application Serial No.

60/235,260, filed on September 25, 2000. Although the U.S. Provisional application is in

another language, the application includes a translation document upon review of the

original application (paper file), the priority date has been granted.

Drawings

4.   The examiner has accepted the Drawings filed on March 8, 2004.

Specification

5.   The specification is objected to because it fails to describe figures 8A, 8B, 10A

and 10B in the brief description of drawings.

Double Patenting

6.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA

1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7.   Claims 1-3 and 6 are provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-3, of U.S. Patent No. 6,928,611. Although the conflicting claims are not identical, they are not patentably distinct from each other because the two applications describe an inter-character class spacing amount setting table for in line composition, for grouping similar characters, forming classes for setting spacing between the characters.

Regarding Independent Claim 1

- Claim 1----- (U.S. 6,928,611, Claim 1, column 10, lines 48-58);

Regarding Dependent Claims 2 and 6

- Claim 2 ---- (U.S. 6,928,611, Claim 2, column 11, lines 3-13);

Regarding Dependent Claim 3

- Claim 3 ---- (U.S. 6,928,611, Claim 3, column 11, lines 14-17);

The patent is different in that it claims a broader process that does not use a dialog box for setting the spacing amount with icons representing the characters as in the instant application. However the use of dialog boxes and icons for constructing interfaces were extremely well known in the art. Thus, given the invention of U.S. Patent No. 6,928,611, it would have been obvious to a person of ordinary skill in the art to have modified the

invention by including an interface comprising a dialog box and icons, since it would

have provided a method for direct modification of the character spacing through an user

interface component.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9.   Claims 1, 3-5 and 7-10 are rejected under 35 U.S.C. 102(a) as being anticipated

by Microsoft Word (character spacing feature, 1983-1999, Microsoft Corporation, pages

1-6).

Regarding Independent claims 1 and 9, Microsoft Word discloses *a text*

composition spacing amount setting device for a desktop publishing (DTP) system,

comprising:

- *At least one inter-character-class spacing amount setting table, for use in line*

  composition, for grouping similar characters, forming a plurality of character

  classes and setting inter-character spacing amounts between a character class

  of a previous character and a character class of a next character within a pair of

  continuous characters (See figure 4, wherein numeral 400 shows a character

  spacing tab that displays an inter-character spacing amount setting table. In

addition the spacing is set between the character classes that are part of a pair of

continuous characters see numeral 440);

- *A display device for displaying electronic text that has been line composed* (It is

  inherent that a display device is included to take the supplied screenshots);

- *And an input device for providing user input* (It is inherent that a keyboard or

  input device is present to take the supplied screenshots);

- *A spacing amount setter that is operable to display on the display device a dialog*

  box for user input of a spacing amount between the character class for the

  previous character and the character class for the next character, and to display

  in the dialog box an icon representing the character class for the previous

  character and an icon representing the character class for the next character

  (Figure 4, wherein a dialog box is displayed by performing the operations in

  figure 2-4, the dialog box also displays the user input for setting the spacing

  amount between characters).

Regarding Dependent claims 3 and 7, Microsoft Word discloses *a text*

composition spacing amount setting device, further operable to receive a user selection

of either the character class of the previous character or the character class of the next

character in the dialog box (Figure 4 & 6, wherein the text composition spacing amount

setting device for receiving the user selection of either a previous or next character in

the dialog box is shown in figure 4, figure 6 shows that the setting device defined by the

dialog box is operable to receive a selection of the word of the next character. The user

selects the character class of the next character shown in 620 by highlighting the

characters in the class).

Regarding Dependent claim 4, Microsoft Word discloses *wherein a left side*

display column is provided for icons of the character class for the previous character

and a right side display column is provided for icons for the character class of the next

character in the dialog box, the device further being operable to display an icon

representing a selected character class, among a plurality of classes, for the previous

character in the left side display column, and to display an icon representing a selected

character class, among a plurality of classes, for the next character in the right side

display column (Figure 4, although Microsoft word doesn't specifically show an icon

representing the selected words or character classes, it does disclose a representation

of the character classes related to the previous and next character of a word within a

preview window that is part of the dialog box. The use of an icon for representing the

words or character classes is a matter of design choice, since both inventions display a

representation of the characters).

Regarding Independent claim 5, Microsoft Word discloses *a computer program*

product, tangibly stored on a computer-readable medium, for setting at text composition

spacing amount in a desktop publishing (DTP) system, comprising instructions operable

to cause a programmable processor to:

- *Display on a display device a spacing amount saved in an inter-class character table in response to a user selection in the inter-character class spacing amount setting table, for use in line composition, the inter-character class spacing amount setting table grouping similar characters, forming a plurality of character classes and defining inter-character spacing amounts between a character class of a previous character and a character class of a next character within a pair of continuous characters* (See figure 4, wherein a display device displays the table described by the dialog box including the saving of the character spacing adjustments made by the user. The saving is done once the OK is selected in the dialog box, the spacing adjustments will always be saved and associated to the particular character class in the document. Numeral 400 shows a character spacing tab that displays an inter-character spacing amount-setting table. In addition the spacing is set between the character classes that are part of a pair of continuous characters see numeral 440);

- *And display in the dialog box an icon representing the character class of the previous character and an icon representing the character class of the next character* (Figure 4, although Microsoft word doesn't specifically show an icon representing the selected words or character classes, it does disclose a representation of the character classes related to the previous and next character of a word within a preview window that is part of the dialog box. The use of an icon for representing the words or character classes is a matter of design choice, since both inventions display a representation of the characters).

Regarding Dependent claim 8, Microsoft Word discloses *a computer program product, further operable to:*

- *Display a left side display column for icons of the character class of the previous character and a right side display column for icons of the character class of the next character in the dialog box* (Figure 4, although Microsoft word doesn't specifically show an icon representing the selected words or character classes, it does disclose a representation of the character classes related to the previous and next character of a word within a preview window that is part of the dialog box. The use of an icon for representing the words or character classes is a matter of design choice, since both inventions display a representation of the characters);

- *Display the icon of the selected character class in the left side display column when a character class among a plurality of character classes is selected for the previous character's character class* (Figure 4, although Microsoft word doesn't specifically show an icon representing the selected words or character classes, it does disclose a representation of the character classes related to the previous and next character of a word within a preview window that is part of the dialog box. The use of an icon for representing the words or character classes is a matter of design choice, since both inventions display a representation of the characters);

- *And display the icon of the selected character class in the right side display column when a character class among a plurality of character classes is selected for the next character's character class* (Figure 4, although Microsoft word doesn't specifically show an icon representing the selected words or character classes, it does disclose a representation of the character classes related to the previous and next character of a word within a preview window that is part of the dialog box. The use of an icon for representing the words or character classes is a matter of design choice, since both inventions display a representation of the characters).

Regarding Independent claim 10, Microsoft Word discloses *a computer readable recording medium recording a text composition spacing amount setting program for executing by computer in a desktop publishing system, comprising:*

- *A procedure for displaying on a display means in dialog box format a spacing amount saved in an inter-character-class spacing amount setting table when a user selects the inter-character-class spacing amount setting table, for use in line composition, wherein the inter-character-class spacing amount setting table groups similar characters, forms a plurality of character classes and sets inter-character spacing amounts between a character class of a previous character and a character class of a next character within a pair of continuous characters* (See figure 4, wherein numeral 400 shows a character spacing tab that displays an inter-character spacing amount setting table. The saved spacing settings are

obtained by selecting the table while the character classes are selected either by

highlighting or clicking the character class. In addition the spacing is set between

the character classes that are part of a pair of continuous characters see numeral

440);

- *And a procedure for displaying in the dialog box an icon representing the*

  character class of the previous character and an icon representing the character

  class of the next character (Figure 4, although Microsoft word doesn't specifically

  show an icon representing the selected words or character classes, it does

  disclose a representation of the character classes related to the previous and

  next character of a word within a preview window that is part of the dialog box.

  The use of an icon for representing the words or character classes is a matter of

  design choice, since both inventions display a representation of the characters).

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Microsoft Word (character spacing feature, 1983-1999, Microsoft Corporation) in view of

Sawada (U.S. 5,501,538, filed Jun 21, 1994).

Regarding Dependent claims 2 and 6, Microsoft Word teaches the use of a dialog box

for setting character spacing between continuous characters that represent a character

class or words. However Microsoft Word fails to specifically teach the support for

various character classes for spacing, although its inherent that the support for various

character classes includes parenthesis, comma and many other common punctuations

which are all supported with the character spacing feature. Sawada specifically teaches

wherein the plurality of character classes includes one or more of (1) starting

parenthesis, (2) ending parenthesis, (3) characters that cannot appear at the start of a

line, (4) non-centered punctuation, (5) centered punctuation, (6) period, (7) comma, (8)

repeating characters that cannot be broken across lines, (9) preceding abbreviation

code, (10) following abbreviation code, (11) full-width ideographic spaces, (12)

hiragana, *(13) Japanese characters other than character classes (1) through (12), (14)*

full-width numeral, (15) half-width numeral, (16) half-width Roman text, (17) start of line,

(18) start of paragraph, and (19) end of line (column 5, lines 50-56, wherein the

character spacing apparatus supports characters from Japanese language including

hiragana and katakana). At the time of the invention it would have been obvious to a

person of ordinary skill in the art to have included the support for Japanese language

characters such as Sawada in a character spacing system of Microsoft Word. The

motivation for doing so would have been to provide a more efficient method of character

adjustment for printing purposes by taking the character relationships into account

thereby eliminating the use of a skilled operator using kerning techniques. Therefore it

would have been obvious to combine the teachings of Sawada with Microsoft Word for

the benefits of allowing greater character impression by taking into account the

character relationships thereby supporting character spacing for Japanese languages.

Conclusion

Other Prior Art Cited

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Gillam (U.S. 6,626,960) discloses "Method, System, And Program For

  Generating A Table To Determine Boundaries Between Characters"

- Babcock et al (U.S. 6,252,607) discloses "Method And System For

  Character Spacing In Graphics Terminal Emulation"

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Manglesh M. Patel whose telephone number is (571)

272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00

Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen S. Hong can be reached on (571)272-4124. The fax phone

number for the organization where this application or proceeding is assigned is 571-
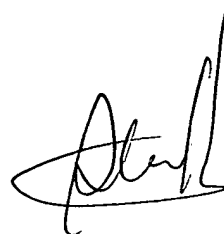
273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel

Patent Examiner

December 15, 2005

STEPHEN HONG
SUPERVISORY PATENT EXAMINER